

United States District Court Northern District West Virginia  
 Wheeling Division Case No. 5:20-CR-16-JPB-JPM  
 United States Of America v. Willie Johnson, Defendant.

FILED

MAR 17 2023

U.S. DISTRICT COURT-WVND  
 WHEELING, WV 26003

Defendant's Reply To The Government's Response

Comes now defendant Willie Johnson, pro se, and Responds to the Government's Response dated 3/7/23. Document 1076. Defendant respectfully moves this Honorable Court to issue an expedited order granting relief for the following facts and reasons.

### Factual Statement AND ARGUMENT.

On 2/8/23, Defendant filed a pro se motion for compassionate release sentence reduction in this court. Defendant moved for a compassionate release so he can serve as the caregiver for his incapacitated mother. U.S. v. Vanlaan 2022 U.S. Dist. Lexis 111836 (M.D. N.C. 6/24/22).

Defendant is the only available caregiver for their cancer stricken mother because her other caregiver was murdered on 12/16/22, who was her oldest son. Defendant has two sisters who aren't available to serve as caregivers.

One sister resides in the state of Georgia and the other one resides in Cleveland, Ohio. This sister is available but isn't available to serve as our mother's caregiver because of her family's, career and job status and obligations. (See Exhibit ; Letter From The JOHNSON Family, February 2023.) U.S. v. Riley 2020 U.S. Dist. Lexis 82909 (D.VT. 5/12/20), Defendant requested the Warden to grant him relief but the Warden never replied past the thirty days deadline. (See Exhibit ON Record.)

On 2/23/23, Defendant sent this Court a copy of a letter from my mother where she was asking for my help as well as this Court's. (See Exhibit ON Record.)

On 3/9/23, Defendant received the Response from the Government. (Document 1076) He didn't contest Defendant's exhaustion of the administrative remedies therefore this Court can now rule on the motion. 18 USC 3581(C)(1)(A). The Government fails to realize that Defendant is not a danger to the community or anybody. Plus he fails to explain why Defendant continues to present or how Defendant continues to be a danger to the community if released early in his opinion

This Court sentenced Defendant to serve a 92 months sentence for a nonviolent offense and no firearm involvement. Defendant's criminal history consists of drug offenses and driving offenses. Not only ~~has~~ Defendant ever been arrested or charged for a violent crime but he also haven't ever served more than ten months in confinement. Further your Honor, the Government can't explain how I can now be a danger being that I was free on self surrender for two years, never caused any trouble or got in trouble before coming to prison on time. Defendant moved to serve as the only available caregiver for his incapacitated mother. Her cancer and heart doctors wrote this Court in her behalf and stated that she needs around the clock care. Defendant wants to provide his incapacitated mother with the help and support she needs physically, mentally and morally. U.S. v. Vanlaar, 2022 US Dist Lexis 111836 (MDNC 6/24/22). Defendant has demonstrated why this Court can grant Defendant's family request to let him out of prison early to serve as the only available



caregiver for their mother. Also, Defendant's motion asks this Court to not only consider releasing him back in the community; but, reduce his term of incarceration within the BOP to time served and order the remaining term of supervised release to be extended.

Then this term of supervised release be served on home confinement. U.S. v. Hicks, 2022 US Dist. Lexis 7677 (S.D.W.V. 1/14/22-J.R.G.).

Home confinement is a substitute for incarceration, 3553(a)(3), and it satisfies the 3553(a) sentencing factors. U.S. v. Johnson, 2021 U.S. Dist. Lexis 8478 (S.D.W.V. 1/15/21).

Although Defendant has served eight (8) months of the 92 this Court imposed, home confinement still restricts Defendant's movement. U.S. v. Rodriguez, 2020 U.S. Dist Lexis 154588 (WDVA 8/25/20). Defendant will be home confined with his incapacitated mother. He will be wearing a leg monitor so every move he makes will be detected, even when he takes his mother to the doctors appointments.

Defendant cannot agree with the Government being that he has proven he can make it in society as a law-abiding citizen.

Others have been given the opportunity to help their family members, and, who had longer sentences to serve. US v. Reyes, 2020 US Dist. Lexis 58894 (ND ILL. 4/3/20). Defendant respectfully asks this Court to grant my motion so I can serve as the only available caregiver for my incapacitated cancer plagued mother. We will be living together and will provide the address upon request if this Court lets me help my mother.

### CONCLUSION

Releasing Defendant is appropriate at this time and the evidence as well as the facts and laws support the granting of relief. This 14<sup>th</sup> day of March, 2023.

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cc:

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